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The Parliamentary Elections of 24th February, 2019 in the Republic of Moldova: Particularities and Consequences of the Mixed Electoral System

Sergiu Cornea¹, Elena Mandaji²

Abstract: On the 24th February 2019 took place the parliamentary elections in the Republic of Moldova. Parliamentary elections represent one of the most important components of the political process. The distinct particularity of these parliamentary elections was determined by the fact that they took place, for the first time, in a mixed electoral system: 50 deputies were chosen on party lists, and 51 deputies in some uninominal constituencies. The changes of the electoral system are examined and the consequences of the implementation of the new system for the evolution of political processes in the Republic of Moldova.

Keywords: Republic of Moldova; parliamentary elections; mixed electoral system; electoral participation

1. The Context of the Parliamentary Elections from the 24th of February, 2019

In democratic societies, the representativeness is ensured through elections. Elections, in a narrow sense, are the election by voters of their representatives in a body of power. Broadly speaking, the elections have a multifunctional character: a) allow citizens, through voting, to exercise the right to participate in the government, either directly, or through the elected representatives, b) give legitimacy to the power realization system, c) select the elites and political leaders, d) is a collective act, that results in the approval of the team, e) allow the electorate to participate directly in the socio-political life of the society by voting the electoral programs of the candidates (the electorate includes all citizens with the right to vote), f) allow voters to express their opinion on the activity of the political parties in power; confirm or deny the activity of the elected (Iancu, 1998, p. 58).

Electoral systems, according to K. Benoit, fundamentally shape political party systems, not only determining mechanically how many and what kind of parties

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win seats, but also shaping parties through psychological incentives they exert on party elites and voters who anticipate their operation (Benoit, 2007, p. 363).

In the opinion of the European Commission for Democracy through Law (Venice Commission), the democracy is inconceivable in the absence of elections held in accordance with certain principles that give them the status of democratic elections. But the truly democratic elections can be carried out, only if certain fundamental conditions of a democratic state, based on the pre-eminence of law, are met: fundamental rights, the stability of electoral law and effective procedural guarantees (Codul bunelor practice/Code of good practices, 2002).

The Moldovan parliamentary elections from February 24, 2019, were characterized by a number of peculiarities, that present an interest from the theoretical, practical and technical perspective.

On July 20, 2017, the Parliament of the Republic of Moldova approved the Law no. 154, which essentially changed the electoral system by moving from the proportional voting system to a mixed one (Lege nr. 154, 2017). According to the explanatory statement, the purpose of changing the electoral system was to combine the advantages of the majority and proportional system. In accordance with stated rationale of this reform, the amendments are aimed to:

- Bring a remedy to the concerns on the perceived distance between elected representatives and their constituents;
- Help identify and develop new political leaders that will diversify political leadership and improve the national decision-making process;
- Provide fair representation of all citizens in Parliament, including those from the Transnistrian region and those from abroad (Venice Commission, 2017).

The law was approved with the vote of 74 out of 101 deputies, members of three parliamentary fractions: the Democratic Party of Moldova, the European People's Party and the Party of Socialists of the Republic of Moldova. The law was passed with procedural breach (the voting procedure lasted only four minutes) and with a minimum of transparency (the final draft was published with only 24 hours before the vote). Moreover, the adoption of this law is a defiance of the opinion of the Venice Commission, which in its notification on the electoral system reform in the Republic of Moldova (Venice Commission, 2017) provided that before the realization of the electoral reform, it should be implemented the recommendations that were made in 2013, where were proposed to change the legal norms regarding the political parties and the financing of electoral campaigns (Venice Commission, 2013). The Venice Commission concluded that under the existing conditions in the Republic of Moldova, the modification of the electoral system is not advisable, but the European Union has asked Chisinau to comply with the Commission's conclusion. On May 3, 2017, two parliamentary groups of the European Parliament

launched a joint call, condemning the intention to change the electoral system in the Republic of Moldova: “Any attempt to bring about such a change without the full backing of the opposition and of civil society will lead the EPP and ALDE to demand that all European funding be stopped”(Joint Statement EPP-ALDE, 2019). Also, the initiative to modify the electoral system was criticized by the opposition and civil society, which organized protests against these changes.

The shortcomings of the mixed electoral system, invoked during the public debates are summarized as follows:

- distorts the parliamentary representativeness (ideological, gender, selective ethnic representation);
- favours the parties in the government “with much money”, that will weaken the party system;
- governing parties will have additional levers to apply pressure on any unsuitable candidate for them;
- the government will be able to “draw” electoral constituencies as they like, in order to increase its chances of winning;
- unclear provisions on the vote of citizens from the Transnistrian region;
- the diaspora’s voice will be annihilated;
- the experience of the neighbouring countries or close to the Republic of Moldova (Romania, Ukraine, Georgia) had unsuccessful experiences with the uninominal system (Tăbârță, 2017, p. 9).

The change of the electoral system took place in the conditions of a regression of the democracy in the Republic of Moldova. In 2019, Moldova was ranked the 79th place, according to the *Democracy Index*, published by the *Economist*. Moldova shares this place with the Republic of Fiji. If until 2016, the Republic of Moldova was, also, a part of the group of states with imperfect democracy, from 2017, it was demoted in the group of countries with hybrid regimes, which is 6 points lower (see the Chart no.1)

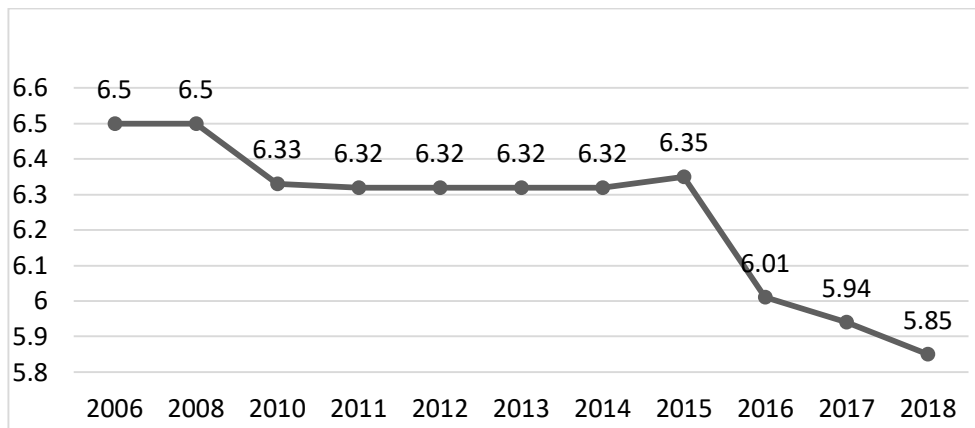


Chart no. 1. Democracy Index for the Republic of Moldova

Source: *The Economist Intelligence Unit's Democracy Index.*

<https://infographics.economist.com/2018/DemocracyIndex/> (accessed on 5th July, 2019)

The Democratic Development Index developed by Freedom House of the Republic of Moldova for 2018 is 4.93 points out of 7 (1 = Most Democratic, 7 = Least Democratic)(Nations in Transit, 2018). But according to the ranking for 2019, made by the World Justice Project, an independent multidisciplinary organization, aiming to advance the rule of law around the world, the Republic of Moldova is ranked the 83th place, out of 126 countries (Rule of Law Index, 2019).

The Republic of Moldova has also been remarked by the high degree of corruption. According to the data provided by the Transparency International the *Corruption Perceptions Index* for the Republic of Moldova is worrying. The evolution of the *Corruption Perceptions Index* in the period 2014 – 2018 is presented in the Chart no. 2:

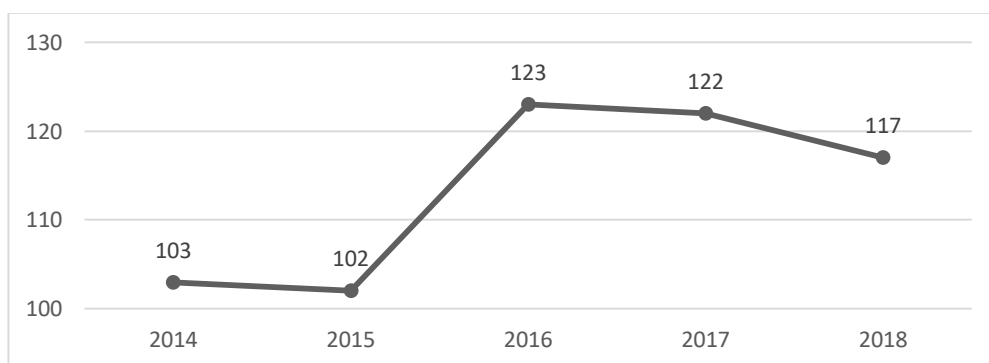


Chart no. 2. Corruption Perceptions Index for the Republic of Moldova (2014-2018)

Source: <https://www.transparency.org/country> (accessed on 11th July, 2019)

The high level of corruption in the Republic of Moldova presents a real danger to its European path and prevents the democratic development of the country.

It should also be noted that the preparations for the implementation of the new electoral system took place, when the political dialogue between the Republic of Moldova and the European Union entered a complicated phase after the invalidation of local elections in June, 2018 in Chisinau. On the 5th of July, MEPs adopted a resolution for the suspension of macro-financial assistance for the Republic of Moldova due to the non-compliance with the political preconditions stipulated in the EU – Moldova Memorandum of Understanding, signed at the end of 2017 and the invalidation of local elections in Chisinau. The Resolution also stated that any decision on future payments should be made only after the parliamentary elections in February 2019, provided that they will be carried out in accordance with internationally recognized democratic standards (European Parliament, 2018).

2. The Particularities of the Electoral Scrutiny from the 24th of February, 2019

As a result of changes made to the electoral system, the essential differences between the 2019 parliamentary elections and the 2014 elections, can be summarized as follows:

- The proportional electoral system was replaced by the mixed electoral system (50 deputies elected on party lists and other 51 in uninominal constituencies);
- The concomitant organization of elections and the consultative Republican referendum (the consultation included two problems: reducing the number of deputies from 101 to 61 and the possibility of revoking the deputies (elected in the uninominal constituencies), who fail to fulfil their obligations);
- Limiting the possibility for independent candidates to apply only in the uninominal constituencies;
- Providing a minimum of 40% women' presence on party-lists;
- The lack of election validation threshold;
- Election agitation allowed on election day;
- Introduction of mandatory integrity certificate;
- The physical presence of the candidates at the registration for participation in elections;
- Prohibition of voting with expired IDs.

The Central Electoral Commission announced on December 10, 2018, that total number of voters, registered in the State Register of Voters (SRV) at that date, was 3.265.997. Out of the total number, only 2.824.874 of voting citizens were assigned to administrative-territorial units of level 2. The difference includes persons, who have citizenship of the Republic of Moldova, but do not have residence visas, including those, who have authorized emigrated abroad (210.890 of persons) and citizens with the right to vote, having their registered residence in the administrative-territorial units on the left bank of the Dniester River, provisionally being outside the sovereign control of the constitutional authorities of the Republic of Moldova (230.233) (Total Number, 2018).

15 electoral competitors were attended the regular parliamentary elections from February 24, 2019: 14 parties and one electoral bloc, consisting of two political parties, which is 1/3 of the number of parties, registered in the Republic of Moldova. In order to gain access to the Parliament, the political parties had to exceed the electoral threshold of 6%, and the electoral blocs – 8%. From those 15 electoral competitors, 4 were parliamentary parties and 11 extra-parliamentary ones. From those 4 parliamentary parties, the Democratic Party of Moldova (DPM) was in power, but other 3 represented the parliamentary opposition – the Party of Socialists of the Republic of Moldova (PSRM), the Party of Communists of the Republic of Moldova (PCRM) and the Liberal Party (LP). Another two parliamentary parties (the Liberal Democratic Party of Moldova (LDPM) and the European People's Party of Moldova (EPPM)) did not registered, as separate entities, in the electoral competition.

Compared to the previous parliamentary election, the number of parties, participating in the elections, was smaller: 15 versus 23. It should be noted, that at each of the 8 parliamentary scrutiny from the period of independence of the Republic of Moldova, political parties participated from 10 to 33, either by itself or within the electoral blocs.

As the classification of electoral competitors according to the doctrinal guidelines is not relevant for the Republic of Moldova, they should be grouped according to Moldovan usage and realities. As a general rule, the segmentation of the Moldovan society takes place mainly on the basis of identity criteria, of ethno-linguistic belonging, which largely determines the geopolitical preferences of those social groups. The social-economic problems are outpaced by the identity and geopolitical factors. These factors are constantly being explored by political parties, who drawn up their messages and electoral offers, considering these particularities. As a rule, the left-wing parties, who share the socialist doctrine, are also supporters of Eurasian integration. The conservative right-wing parties, plead for European integration and/or for the reunification of the Republic of Moldova with Romania. On the centre-left and centre-right segments are the parties that, although have geopolitical preferences, usually focus on solving some economic

and social problems.

In the electoral race on uninominal districts have registered 321 of electoral competitors, 57 of which, were independent candidates and 264 with political affiliation. The majority of candidates for the deputy function, 13 people, is attested on the uninominal district no. 50 (Western countries) and on uninominal constituency no. 51 (USA and Canada). The less 3, were registered in the uninominal district no. 4, Riscani city (In the constituencies of the elections, 2019).

Those 51 uninominal districts were constituted as follows: 48 on the territory of the country: North: 1-12; Centre: 13-38; Chisinau municipality: 23-33; South: 35-44; Autonomous Territorial Unit of Gagauzia: 45-46; Transnistria: 47-48. Abroad – 49 (Eastern countries), 50 (Western countries), 51 (USA and Canada) city (In the constituencies of the elections, 2019). In Russia and in the Eastern countries were created 27 polling stations, in the EU and Western countries – 83 and 15 stations for USA and Canada (Mîndru & Peru-Balan, 2019, p. 107). Although the number of polling stations created abroad in the last elections (national and presidential) indicates an upward trend (see the Chartno.3), this fact still does not fully guarantee the right to vote of those close to one million Moldovan citizens abroad.

1.457.220 million voters participated in the election (49,22% of total number of voters) (Minute, 2019), with 192.182 voters less than in parliamentary elections in 2014 (1.649.402) (The results of the elections, 2014). Neither the populist policies, introduced by the government in 2018, nor the consultative referendum on reducing the size of the parliament, which took place concurrently with the elections, had a major impact on stimulating the participation of citizens in the vote (Cenusa, 2019).

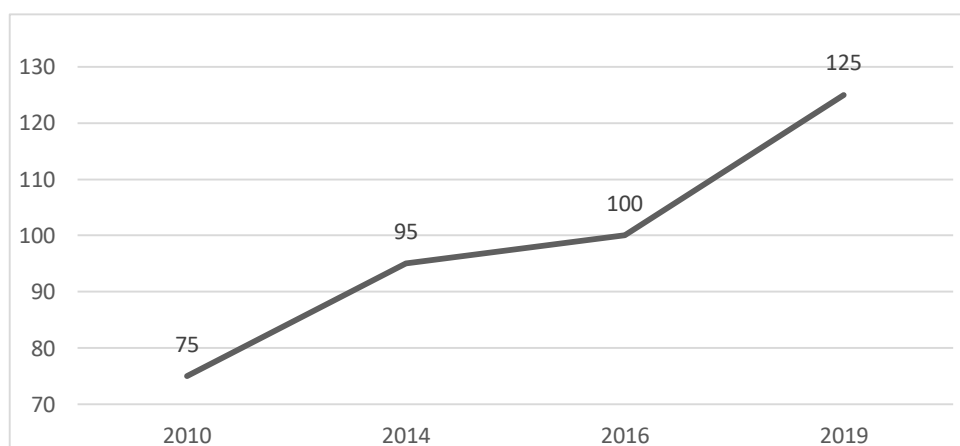


Chart no. 3. Number of polling stations outside the country

Source: Mîndru, V. & Peru-Balan A. (2019) *Impactul votului mixt asupra calității clasei*

politice din Republica Moldova (Impact of the mixed vote on the quality of the political class in the Republic of Moldova). Revista de Filosofie, Sociologie și Științe Politice, nr. 1 (179), p. 107.

At these parliamentary elections has been attested the lowest attendance since the declaration of independence until now, a situation reflected in the Chart no.4.

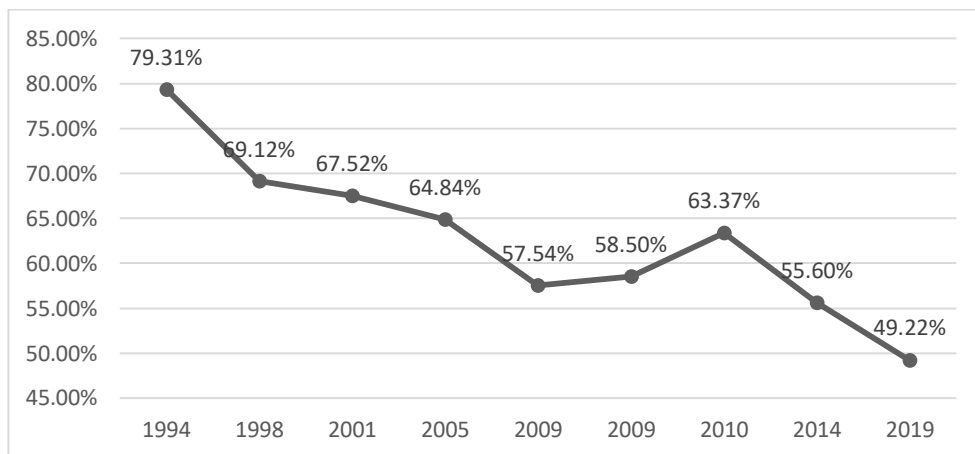


Chart no. 4. The rate of participation in parliamentary elections in the Republic of Moldova

*Source: The Central Electoral Commission of the Republic of Moldova.
<http://www.cec.md>; <http://www.e-democracy.md> (accessed on 6th July, 2019)*

The determining factor that influenced the upward decrease in the participation rate is the low level of confidence of the population in Parliament and Government. This phenomenon increased the segment of the indecisive people, who subsequently become the absentees (Mîndru, & Peru-Balan, 2019, p. 111).

3. Election Results and Qualitative Composition of the New Parliament

The results of the parliamentary elections from the 24th of February, 2019 are presented in Table no. 1.

Table no. 1. The results of the parliamentary elections from the 24th of February, 2019

Electoral competitors	Obtained votes, %	The number of obtained mandates		The total number of mandates
		National constituency	Uninominal constituency	
Socialists Party	31,15	18	17	35
Democratic Party	23,62	13	17	30
Bloc ACUM („Now”)	26,84	14	12	26
Shor Party	8,32	5	2	7
Independent candidates	-	-	3	3

*Source: The Central Electoral Commission of the Republic of Moldova.
https://a.cec.md/ro/au-fost-confirmate-rezultatele-alegerilor-parlamentare-din-24-februarie-2781_92724.html (accessed on 6th of June, 2019).*

One of the arguments for implementing the mixed electoral system was that new people, directly delegated by the citizens, will come to the Parliament. We find that out of those 101 deputies, elected in the new Parliament, 43 had a parliamentary experience. The most “long-lived” deputy is a democrat, Dumitru Diacov – the 21st year of office. He is followed by democrat Vladimir Vitiuc, who has been a member of the Parliament since 2005.

Each third member of the newly elected Parliament is a lawyer, but every fourth – an economist. Among the deputies of the Parliament of the X legislature are teachers, engineers, historians, doctors, journalists, agronomists, managers. In the Parliament will also activate an architect, a diplomat, a military and a specialist in Dramatic Arts. Also, according to a statement issued by the Parliament, 14 deputies hold the PhD degree in Sciences. The average age of the new members of the Parliament is 48 years old: the oldest deputy will soon turn 80, but the youngest, Dinu Plangau, is only 24 years old. For the first time, 59 deputies have access in the Parliament (Mîndru & Peru-Balan, 2019, pp. 110-111).

4. The Consequences of Applying the Mixed Electoral System

The introduction of the mixed electoral system in the Republic of Moldova has generated a series of consequences that we will present below.

The modification of the electoral system, mainly benefited the parties with non-transparent financing and with generous administrative and financial resources, thus contributing to the distortion of the proportionality of the votes obtained by the electoral competitors and the distribution of seats in the Parliament. The mixed electoral formula has largely favoured the Democratic Party, which, with 23,63% of votes, obtained 30 seats in the Parliament. At the same time, the mixed system clearly disadvantaged the Bloc “NOW”, that, with 26,84% of votes obtained only 26 mandates. Even, if it mobilized the massive administrative resources, this score can not be explained otherwise by fraud of a significant percentage of votes (8 – 10%) (Goşu, 2019).

Although, the PSRM obtained the highest electoral score (31,15%) and the highest number of mandates (35 deputies), it proved to be the big loser of the mixed electoral system, which, due to the configuration of the uninominal constituencies, lost the priority in regions that are considered loyal to the pro-Russian left-wing parties (Mogîldea, 2019). The Russian factor and votes in the Transnistrian separatist region, where 33 029 voters voted for the first time, did not have the necessary strength to ensure a majority of the Socialists in the newly elected parliament. The voters in the separatist region voted both dimensions of the mixed

system. They supported, in particular, the Socialists on the party lists – 17 021 votes, and voted for two independent candidates, who will represent the region. According to Armand Goșu opinion, the PSRM did not even want to win the elections. The PSRM is a multi-role party: it has the role of legitimizing the regime, the political system; to scare the West with the Russian threat and, at the same time, to give Moscow the illusion, that it won in the near abroad, successfully combating the pro-European parties (Goșu, 2019).

As anticipated M. Bakken and Ad. Sorescu, the majority system in a poll, has changed the way, how voters choose candidates (Bakken & Sorescu, 2017). In addition to the fact that the image and reputation of the candidate matters more than in the proportional system, the new electoral system has determined the voters to resort to the so-called “useful vote”, that is, the vote expressed not necessarily in favour of the most preferred candidate, but in favour of one of those who are more likely to win.

Within the uninominal constituencies, the candidates of the political groups have reoriented their electoral discourse from the issues of “national interest”, to those of local interest (the local infrastructure problems), even if their solution is not within the competence of a deputy.

The introduction of the electoral system led to a change in the criterion for creating the electoral constituencies: from the territorial administrative to the territorial demographic one, which favoured the emergence of the ethno-political electoral entities. Article 80 of the Electoral Code provides that: “f) the uninominal constituencies, in which the national minorities live compact, will be constituted taking into account both their interests and the boundaries of the respective administrative-territorial units; and g) the uninominal constituencies from the Autonomous Territorial Unit of Gagauzia will be constituted so as not to exceed the administrative boundaries of the autonomy, at the same time, these constituencies will not be able to be supplemented with localities outside the autonomy, taking into account the risk of diluting the national minority” (Codul Electoral, 1997).

The political, social, cultural and institutional realities of the Moldovan society were not considered at the implementation of the mixed electoral system: the mixed system was used for the election of a unicameral parliament in a multi-party system, which includes 46 political parties. In the uninominal constituencies, the deputy mandate was obtained with 30 – 40% of the number of participants in the elections. But in two constituencies, the mandate was obtained with a number of votes below 30%: Dumitru Diacov (DPM) in constituency no. 40, Cimișlia – 27,3%, and Efrosinia Grețu (DPM) in constituency no. 41, Leova – 28,4%.

Only in 7 uninominal districts were obtained the mandates with the votes of more than 50% of the number of voting participants (the constituencies 17 and 18, where

V. Plahotniuc and Il. Shor have run, the constituencies 44 and 45 from Gagauzia and constituencies 46, 47, and 48 from Transnistria).

In many cases, the mandates were obtained with a difference of only a few hundred votes against the candidates: in the constituency no. 11 Falesti – 374 of votes, in the constituency no. 40 Cimislia – 172 of votes, in the constituency no. 4 Rascani – 170 of votes, in the constituency no. 26 Chisinau municipality – 138 of votes and in the constituency no.42 Cahul – 65 of votes (Scanned Minutes, 2019).

One of the important problems that needs to be solved is to determine how to include the diaspora in the electoral processes in the Republic of Moldova, as long as almost one million Moldovans are abroad. In the elections of February 24, 2019, in the constituencies, outside the country, the number of voters, who participated in the voting was 76 583 (district no. 49 – 7.750, district no. 50 – 64.271 and district no. 51 – 4.562) (The map of the results, 2019). And in these elections, the state did not provide these citizens of the Republic of Moldova with conditions to exercise a fundamental right – the right to vote and the right to be elected.

Although the new electoral system introduced the possibility of revoking the elected members in the uninominal districts, the Venice Commission considers that, this provision contravenes the international standards and the provisions of article 68, par. 2 of the Constitution of the Republic of Moldova, by which the imperative mandate is prohibited (Venice Commission, 2017).

5. Conclusions

Political forces in the government, without taking into account realities of the Moldovan society and rules of the democratic society, imposed the mixed electoral system, which is an inappropriate combination of elements from both electoral systems. This artificial electoral construction, without scientific argumentation, will not solve the problems of representativeness and will not contribute to the development and consolidation of democracy in the Republic of Moldova.

The reason for changing the electoral system was the political interest of the ruling party (DPM). The introduction of the majority system on uninominal constituencies in a state divided by identity and geopolitical criteria, which does not control the whole territory and with a massive population exodus across the country, carries major risks.

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